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DEC 30 2019

Davidson County Chancery Court

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE  
20<sup>TH</sup> JUDICIAL DISTRICT, AT NASHVILLE, PART III

STATE OF TENNESSEE, )  
*ex rel.* HODGEN MAINDA, solely in his )  
official capacity as Commissioner of )  
Commerce & Insurance, )

Plaintiff, )

v. )

GALILEE MEMORIAL GARDENS, )  
JM&M SERVICES, INC., )  
LAMBERT MEMORIAL CO., aka )  
LAMBERT MEMORIALS, INC. )  
LAMBERT & SONS, INC. )  
JEMAR LAMBERT, MARJE LAMBERT, )  
and MARY H. LAMBERT, and ALL )  
PERSONS ACTING IN CONCERT )  
WITH THEM, )

Defendants. )

NF  
No. 14-0102-II(III)

FILED  
2020 JAN -8 AM 8:19  
DAVIDSON CO. CHANCERY CT.  
CLERK & MASTER  
D.G.M.

*Modified*  
**ORDER SETTING AND APPROVING NOTICE OF 3/10/2020 9:00 A.M. HEARING  
DATE AND 2/21/2020 OBJECTION FILING DEADLINE**

EH

for the Proposed Order for Entry After Hearing to Set Conditions for Liquidation of Galilee Memorial Gardens Cemetery; Prohibiting Burials, Disinterments, or Activities other than Permanent Maintenance and Limited Visitation of Graves; Finding the Cemetery Lacks Assets to Distribute and Barring all Claims or Suits Against the Cemetery or Defendants in Receivership

Hodgen Mainda, Commissioner of the Department of Commerce & Insurance, in his official capacity as statutory Receiver of Galilee Memorial Gardens, through his appointed Special Deputy Receiver, Receivership Management, Inc., and through counsel, has lodged with the Court, in accordance with the Court's Scheduling Order entered December 5, 2019, a "Proposed Order for Entry After Hearing to Set Conditions for Liquidation of Galilee Memorial Gardens Cemetery; Prohibiting Burials, Disinterments, or Activities other than Permanent Maintenance and Limited

Visitation of Graves; Finding the Cemetery Lacks Assets to Distribute and Barring all Claims or Suits Against the Cemetery or Defendants in Receivership” (Proposed Order).

1. The Court intends to enter the Proposed Order as its Final Order on the matters stated therein, unless the Court finds good cause to change any of its terms. Accordingly, the Court sets the **Objection Deadline** for parties with a legal interest in the receivership to file objections to that Proposed Order as **Friday, February 21, 2020, by 4:30 p.m.** in the Davidson County Chancery Court Clerk & Master’s Office. The Court further sets the **Hearing Date** on the timely-filed objections to the Proposed Order as **Tuesday, March 10, 2020 at 9:00 a.m. in Part III of this Davidson County Chancery Court.**

2 To give notice of the hearing date and objection deadline, and the nature of the Proposed Order, the Court directs and approves notice to be published and disseminated by the attached Exhibit A, “Notice of Hearing Date of 3/20/2020 and Objection Deadline of 2/21/2020 For: the [Proposed Order]” <sup>as modified by the court.</sup> The Court hereby approves the Receiver’s use of the Exhibit A Notice, and directs the Receiver to give notice in the manner indicated by that notice, <sup>as modified by the court herein,</sup> as feasible for mailing, to the claimants, and any of their representatives, to the Trustee of Galilee’s trusts, Commercial Bank & Trust Company, and by any other method and means the Receiver determines in his discretion is feasible and effective to provide notice to affected persons. Everyone who filed comment or notice to participate in the April 23, 2019 Memphis hearing, shall receive mailed notice at the address listed on their participation card or comment. (EHL)

3. Publication: <sup>as modified herein,</sup> The Exhibit A, Notice shall be published in January 2020 in a newspaper of General Circulation, in Shelby County, at least once per week for two (2) consecutive weeks. The Notice shall also be posted at the Cemetery, and on the website of the Tennessee (EHL)

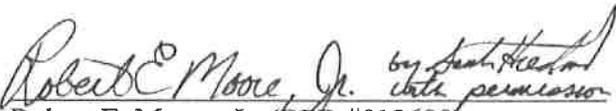
Attorney General. Proof of publication shall be filed with the Court prior to the March 10, 2020 hearing.

4. Service: *Attorney Hiestand and Jackson shall mail copies of this order* and attached *Exhibit A to all those listed on the certificate of services, pages 4 and 5 herein, to receive notice of the modification made by the Court.*  
It is so ORDERED.

  
HON. ELLEN HOBBS LYLE  
CHANCELLOR, PART III

APPROVED FOR ENTRY by:

  
Sarah Ann Hiestand (BPR #014217)  
Senior Assistant Attorney General, Financial Division  
C. Scott Jackson, (BPR #011005)  
Deputy Attorney General, Financial Division  
Tennessee Attorney General's Office  
P.O. Box 20207  
Nashville, TN 37202  
(615) 741-6035; 615-532-8223 facsimile  
e-mail: Sarah.Hiestand@ag.tn.gov  
Counsel for the Receiver

  
Robert E. Moore, Jr. (BPR #013600)  
President, Receivership Management, Inc.  
Special Deputy Receiver  
Galilee Memorial Gardens  
510 Hospital Drive, Suite 490  
Madison, TN 37115  
(615) 370-0051 (phone); (615) 373-4336 (fax)  
Email: rmoore@receivermgmt.com

Jef Feibelman (BPR # 7677)  
Burch, Porter, and Johnson  
130 North Court Avenue  
Memphis, TN 38103  
(901) 524-5109; 901-524-5024 facsimile  
e-mail: jfeibelman@BPJLAW.com  
Special Counsel to the Receiver

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing proposed Order Setting and Approving Notice with attached Exhibit A has been mailed First Class Postage prepaid to the following interested parties and attorneys requesting notice and transmitted via email this 30<sup>th</sup> day of December, 2019:

Robert D. Meyers  
Danielle Rassoul  
Glankler Brown, PLLC  
6000 Poplar Avenue, Suite 400  
Memphis, TN 38119  
Ph: 901-525-1322 fax 901-525-2389  
Via email to [rmeyers@glankler.com](mailto:rmeyers@glankler.com); [drassoul@glankler.com](mailto:drassoul@glankler.com)

Attorneys for Intervenor, Shelby County, Tennessee

Douglas Berry  
Miller & Martin  
401 Commerce Street, Suite 720  
Nashville, TN 37219  
615 744-8620; [Doug.Berry@millermartin.com](mailto:Doug.Berry@millermartin.com)

For City of Bartlett, requesting notice of proceedings

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Jemar Lambert  
3174 Ruby Cove  
Memphis, TN 38111

Marje Lambert  
3174 Ruby Cove  
Memphis, TN 38111

Mary H. Lambert  
3174 Ruby Cove  
Memphis, TN 38111

Individual Defendants in Receivership case, pro se

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Handel R. Durham, Jr.  
Jonathan Mosley  
22 North Front Street, Ste. 760  
Memphis, TN 38103  
ph: 901.543.0866 fax: 901.543.0865  
Via email to [hdurham@durhamslaw.com](mailto:hdurham@durhamslaw.com); [jonathan.mosley@jtmosleylaw.com](mailto:jonathan.mosley@jtmosleylaw.com)

Coleman Garrett  
295 Washington Av, Suite 2  
Memphis, TN 38103

Via email to [cwgarrett@bellsouth.net](mailto:cwgarrett@bellsouth.net)

Counsel for Lamberts in Shelby County cases

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Emily Walker, CTFA, VP & Trust Officer  
Commercial Bank & Trust Company  
Trust Division  
P.O. Box 1090  
Paris, TN 38242

Via email to [EWalker@cbtcnet.com](mailto:EWalker@cbtcnet.com)  
Trustee of Trusts for Galilee Memorial Gardens

Kathryn E. Barnett  
MORGAN & MORGAN-NASHVILLE, PLLC  
810 Broadway Suite 105  
Nashville, TN 37203  
Phone: (615) 490-0943  
Via email to [kbarnett@forthepeople.com](mailto:kbarnett@forthepeople.com)

Howard B. Manis  
THE COCHRAN FIRM  
One Commerce Square  
40 South Main Ste. 1700  
Memphis, TN 38103  
Phone: (901) 523-1222  
Via email to [hmanis@cochranfirmidsouth.com](mailto:hmanis@cochranfirmidsouth.com)

Class Counsel (Plaintiffs *Wofford* case-Shelby County)

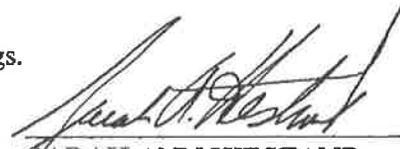
John R. Branson  
Jacob A. Dickerson  
Baker, Donelson, Bearman, Caldwell & Berkowitz  
First Tennessee Building  
165 Madison Avenue, Suite 2000  
Memphis, TN 38103  
(901) 526-2000  
Via email to [jbranson@bakerdonelson.com](mailto:jbranson@bakerdonelson.com)

Defense Liaison for Funeral Homes in Shelby County Class cases

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Brent M. Hays, Esq.  
MerrittWebb  
315 Centerview Drive, Suite 263,  
Brentwood, TN 37027

Person requesting notice of proceedings.

  
\_\_\_\_\_  
SARAH ANN HIESTAND



**MAILED**  
1/8/2020

IN THE CHANCERY COURT OF DAVIDSON COUNTY, TENNESSEE  
20<sup>TH</sup> JUDICIAL DISTRICT, AT NASHVILLE, PART III

STATE OF TENNESSEE, *ex rel.* HODGEN MAINDA, solely in his )  
official capacity as Commissioner of Commerce & Insurance, )  
Plaintiff, )

v. )  
GALILEE MEMORIAL GARDENS, )  
JM&M SERVICES, INC., LAMBERT MEMORIAL CO., aka )  
LAMBERT MEMORIALS, INC., LAMBERT & SONS, INC., )  
JEMAR LAMBERT, MARJE LAMBERT, and MARY H. LAMBERT, and )  
ALL PERSONS ACTING IN CONCERT WITH THEM, )  
Defendants. )

No. 14-0102-III

NOTICE OF HEARING DATE OF 3/10/2020  
AND OBJECTION DEADLINE OF 2/21/2020 FOR:

Proposed Order To Set Conditions for Liquidation of Galilee Memorial Gardens Cemetery; Prohibiting Burials, Disintements, or Activities other than Permanent Maintenance and Limited Visitation of Graves; Finding the Cemetery Lacks Assets to Distribute and Barring all Claims or Suits Against the Cemetery or Defendants in Receivership (the "Proposed Order")

**NOTICE to all persons concerned with the receivership of Galilee Memorial Gardens Cemetery at 8283 Ellis Road, Bartlett, Tennessee (the Cemetery).**

This Notice is being published or directed to you because you are either listed as an owner of a burial plot, or have filed a claim for burial rights, in Galilee Memorial Gardens (Galilee), or you may have another interest or claim that may be affected by the closure to burials of Galilee and the liquidation of its business. A hearing will be held, at which the receivership Court identified above will consider approving the terms of the Proposed Order, which is its tentative ruling from all the facts, receiver reports, and records of Cemetery conditions, including comments made at prior hearings. The Court intends to approve the Proposed Order, making it a Final Order which will be a legally binding, permanent Order to:

- \* Prohibit and close the Cemetery to any more burials because the Cemetery is full.
- \* Declare the Cemetery liquidated without money to pay claims or issue refunds and to Terminate and Bar all further claims or suits against the Cemetery or the Defendants in the receivership case.
- \* Prohibit claims against the Cemetery's Preneed Merchandise and Services Trust Fund and order the trustee to transfer the small balance in that Fund into the Improvement Care Trust Fund for perpetual care of the Cemetery.
- \* Find that the state of the records at Galilee makes it impossible to determine the location and identification of bodies buried at Galilee, and to notify the next of kin of any person who might be buried in or affected by any individual grave space. This will preclude any disinterment or exhumation of bodies from the Cemetery.

You are being given this opportunity to respond or object to the Proposed Order plan for Galilee by the deadline below so that the Court may consider it at the hearing and before it adopts it as a Final Order.



**Full Text of the Proposed Order:** The Proposed Order can be viewed along with this Notice on the website of the Tennessee Attorney General showing documents filed in the Galilee Receivership: <https://www.tn.gov/attorneygeneral/working-for-tennessee/filings-of-interest/galilee-memorial-gardens.html>

To request that a paper copy of the Proposed Order be sent by mail, call and leave name and address information at Receivership Management, Inc., Special Deputy Receiver for Galilee Memorial Gardens, at phone 615-370-0051.

**HEARING:** The Court has set a **Hearing for: Tuesday March 10, 2020, at 9:00 a.m. in Part III of the Davidson County Chancery Court, 4<sup>th</sup> floor, Metropolitan Courthouse at One Public Square, in Nashville, Tennessee, in the Cemetery receivership case, No. 14-0102-III, under Tenn. Code Ann. § 46-1-312(a), and other cemetery law. The receiver will appear in Court to seek final Court approval of the Proposed Order.**

**OBJECTION DEADLINE:** Any Written Response or Objection to the Proposed Order that you want the receivership Court to consider before the hearing, should identify this case: **State ex rel. Mainda v. Galilee Memorial Gardens, et al.; Case No. 14-0102-III**, and be filed with the Court by delivering it **no later than Friday February 21, 2020 at 4:30 p.m.** to: Clerk & Master, Davidson County Chancery Court, Metro Courthouse, One Public Square, Suite 308, Nashville, TN 37201. Please identify your name, address and a way to contact you somewhere on the document. Send a copy also to the Tennessee Attorney General's Office, Financial Division, P.O. Box 20207, Nashville, TN 37202-0207

**INSTRUCTIONS:** The Court will consider materials from affected persons or entities who file, or whose attorneys file, a timely written objection, including the legal and factual grounds for that objection, with the Court before the objection deadline. After considering these, the Court may still adopt the Proposed Order, or may change its terms. To have an opportunity to speak at the hearing, you or an attorney appearing on your behalf must have filed a written objection with the Court by the deadline. The Court can set or limit the time or manner of your presentation.

In addition to the issues raised in this Notice, there remains the question about how Galilee Memorial Gardens will be maintained after the conclusion of the Receivership. This question will be addressed at a time to be determined by the Court.

*Cemetery Visitation: At present visitation at Galilee Memorial Gardens Cemetery shall continue to be permitted as previously ordered in this case. Such visitation, however, may be subject to change in the future upon this court-case being closed and when a new entity takes over maintaining the Cemetery. (EHO)*